

EXHIBIT A

**WARNING:
YOUR FAILURE TO APPEAR
IN COURT MAY RESULT IN
YOUR IMMEDIATE ARREST
AND IMPRISONMENT FOR
CONTEMPT OF COURT**

At IAS Part 13 of the Supreme Court of the State of New York, Kings County, 320 Jay Street, Brooklyn, New York 11201, on the 23 day of December, 2020

PRESENT: Hon. _____
JUSTICE OF THE SUPREME COURT

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

NEL-DEL REALTY ASSOCIATES, LLC and
RAVI BATRA,

Index No. 504200/2020

Plaintiffs (Judgment-Creditors),

ORDER TO SHOW CAUSE

-against-

NICOLE CUMBERBATCH,
a/k/a Nicole Cumberbatch Cox, d/b/a
"GLORIA'S IN AND OUT III," a/k/a
"GLORIA'S IN AND OUT 3,"
"Gloria's Caribbean Cuisine," a/k/a
"gloriascaribbeanbrooklyn.com," a/k/a
"brooklyncaribbeanrestaurant.com," a/k/a
"gloriascaribbeancuisineny.com," Etc.,

Defendant (Judgment-Debtor).

PLEASE TAKE NOTICE that the purpose of this hearing is to determine if the Court should punish the accused for a contempt of court, and that such punishment may consist of fine or imprisonment, or both, according to law; and, whether the Court should

1. Punish Defendant/Judgment-Debtor Nicole Cumberbatch, by fine and imprisonment or both, pursuant to Judiciary Law §§ 750(a)(3),(4), 751, 756 and CPLR 5251, for criminal contempt of court and/or pursuant to Judiciary Law §§ 753(a)(3), 756, CPLR 5251, and the institutional interests of justice, for civil contempt of court for her continued failure to comply with the provisions of:

i. the stipulation, personally signed by Defendant/Judgment-Debtor Nicole Cumberbatch before a notary public on July 21, 2020 and “So Ordered” by the Court (NYSCEF Doc. 91);

ii. the July 25, 2020 Settlement Stipulation # 1 and Judgment, personally signed by Defendant/Judgment-Debtor Nicole Cumberbatch before a notary public on July 25, 2020, “So Ordered” by the Court, entered July 27, 2020, with Notice of Entry served and filed on July 27, 2020 (NYSCEF Docs. 92-95);

iii. the Order and Amended Judgment, dated and entered October 13, 2020, with Notice of Entry served October 21, 2020 (NYSCEF Docs. 102-106); and,

iv. the Order and Amended Judgment, dated November 30, 2020, entered December 7, 2020, with Notice of Entry served December 7, 2020 (NYSCEF Docs. 108, 110),

and punishing Cumberbatch by:

i. for her criminal contempt, directing that defendant/judgment-debtor Nicole Cumberbatch be arrested and committed to jail, there to remain for thirty (30) days; and,

ii for her civil contempt, directing that defendant/judgment-debtor Nicole Cumberbatch be arrested and committed to jail, there to remain for six (6) months, or until she performs each and every act required of her pursuant to her stipulations and the Court's Orders (NYSCEF Docs. 91-95, 102-106, 108, 110), so as to purge herself of her contempt,

2. Issue an Order pursuant to CPLR 2221(a), CPLR 5015(a)(3),(4), and the Court's general jurisdiction and inherent authority vacating the Order procured by fraud upon the court by defendant/judgment-debtor Cumberbatch's attorney Robert Rambadadt, Esq., dated November 30, 2020 and entered December 7, 2020 (NYSCEF Doc. 109);

3. Issue an Order pursuant to 22 NYCRR 130-1.1, imposing financial sanctions on Robert Rambadadt, Esq., attorney for defendant/judgment-debtor Cumberbatch for his misconduct, admitted to during the conference call with the Court held on Wednesday, December 9, 2020, and despite such admission, still failing to take any steps to cure;

4. Issue an Order pursuant to Judiciary Law § 487(a), imposing a forfeiture of treble damages on Robert Rambadadt, Esq., attorney for defendant/judgment-debtor Cumberbatch; and,

5. Granting Plaintiffs/Judgment-Creditors such other and further relief, favorable to them, as may be just, proper and equitable.

UPON the annexed affidavit of Ravi Batra, Esq., principal of The Law Firm of Ravi Batra, P.C., attorneys for plaintiffs/judgment-creditors, the stipulations of defendant/judgment-debtor Nicole Cumberbatch that were “So Ordered” by the Court (NYSCEF Docs. 91-95), the Court’s Orders and Amended Judgments (NYSCEF Docs. 102-106, 108, 110); and, upon all the papers and proceedings heretofore had herein, it is hereby

ORDERED that **NICOLE CUMBERBATCH** and **ROBERT RAMBADADT, ESQ.** show cause before this Court at IAS Part 13, to be VIRTUALLY held at the Kings County Supreme Courthouse at 360 Adams Street, Brooklyn, New York, on the 29th day of January 2021 at 9:30 a.m., or as soon thereafter as counsel may be heard, why an Order should not issue:

1. Pursuant to Judiciary Law §§ 750(a)(3),(4), 751, 756 and CPLR 5251, adjudicating Nicole Cumberbatch in Criminal Contempt of Court and punishing her by imprisonment of thirty (30) days, for her continued failure to comply with the decretal provisions of the “So Ordered” stipulations and judgments, and the Court’s Orders and Amended Judgments, and directing that defendant/judgment-debtor Nicole Cumberbatch be committed to jail for thirty (30) days for her criminal contempt; and,

2. Pursuant to Judiciary Law §§ 753(a)(3), 756 and CPLR 5251, adjudicating defendant/judgment-creditor Nicole Cumberbatch in civil contempt of court for her continued failure to comply with the decretal provisions of the “So Ordered” stipulations and judgments, and the Court’s Orders and Amended Judgments, and directing that defendant/judgment-debtor Nicole Cumberbatch be arrested and committed to jail, there to remain for six (6) months, concurrently with her Criminal Contempt sentence, or until she performs each and every act required of her pursuant to her stipulations and the Court’s Orders (NYSCEF Docs. 91-95, 102-106, 108, 110), so as to purge

herself of her contempt;

3. pursuant to CPLR 2221(a), CPLR 5015(a)(3),(4), and the Court’s general jurisdiction and inherent authority, vacating the fraudulently procured order issued November 30, 2020, and entered December 7, 2020, which is constitutionally infirm as it imposed a “gag” order on counsel and the parties on un-consented to application of Cumberbatch, without any valid justification, basis, or opportunity to be heard, while falsely labeling its procurement as a “joint application”. (NYSCEF Doc. 109);

4. pursuant to 22 NYCRR 130-1.1(a),(b), imposing financial sanctions on Robert Rambadadt, Esq., attorney for defendant/judgment-debtor Cumberbatch, given his frivolous conduct in procuring a prior restraint on plaintiffs/judgment-creditors, and their counsel (NYSCEF Doc. 109), by means which included assertions of “material factual statements that are false,” which are frivolous pursuant to Rule 130-1.1(c)(3); and, seeking the prior restraint by advancing arguments that were “ completely without merit in law and cannot be supported by a reasonable argument for an extension, modification or reversal of existing law,” which was frivolous pursuant to Rule 130-1.1(c)(1); and, securing the prior restraint itself which prejudiced the plaintiffs/judgment-creditors, and their counsel, and therefore was “undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another,” conduct which is frivolous pursuant to Rule 130-1.1(c)(2);

5. pursuant to Judiciary Law § 487(a), imposing a forfeiture of treble damages on Robert Rambadadt, Esq., attorney for defendant/judgment-debtor Cumberbatch given his deceit, with intent to deceive the court in order to secure a court ordered “settlement” - without consent of all parties and an impermissible prior restraint on plaintiffs/judgment-creditors, and their counsel

(NYSCEF Doc. 109); and,

6. Granting plaintiffs/judgment-creditors such other and further relief, favorable to them, as may be just, proper and equitable, given Cumberbatch's proclivity to violate Court Orders on a repeat basis.

RESPONSIVE PAPERS

IT IS FURTHER ORDERED that any papers responsive to this application are to be served by NYSCEF, such that they are electronically transmitted to and received by the Court and The Law Firm of Ravi Batra, P.C., during regular business hours (9:00 a.m. - 5:00 p.m.), not later than two (1) business days prior to the date determined by the Court as the return date for hearing upon the matters set forth herein;

NO ADJOURNMENTS

IT IS FURTHER ORDERED that there shall be no adjournments of the hearing of this Order to Show Cause; and

SERVICE OF THIS ORDER TO SHOW CAUSE

SUFFICIENT CAUSE THEREFORE APPEARING, let service of a copy of this Order to Show Cause, together with the papers upon which it was granted, on or before the 15th day of January, 2021, upon:

1. Nicole Cumberbatch by FedEx or any other nationally recognized overnight delivery service, addressed to Nicole Cumberbatch, 609 Bradford Street, Brooklyn, NY 11207; and,

2. Robert Rambadadt, Esq., counsel for Cumberbatch, via NYSCEF,
shall be deemed good and sufficient service thereof.

ENTER:

Hon. 

JUSTICE OF THE SUPREME COURT
STATE OF NEW YORK